

HONORABLE LAURA S. TAYLOR
U.S. BANKRUPTCY JUDGE

PROCEDURAL GUIDELINES FOR PARTIES
APPEARING IN DEPARTMENT THREE

1. Appearance Counsel
2. Emergency Motions
3. Pre-Trial Conferences
4. Revised Documents
5. Telephonic Appearances
6. Tentatives

PROCEDURES

1. Appearance Counsel

Appearance counsel must be generally familiar with the matter at issue and prepared to discuss the same with the Court and the opposing party. Appearance counsel must be in a position to bind counsel of record as to all procedural matters which may arise in the matter before the Court. Parties using appearance counsel assume the risk in this regard.

2. Emergency Motions:

Parties requesting emergency or shortened notice relief from the Court, in addition to complying with the Local Bankruptcy Rules, should directly contact the Court's Law Clerk, Linda Fox, at (619) 557-6750 prior to filing or uploading documents requesting such relief.

3. Pre-Trial Conferences.

The attorney principally responsible for trial in an adversary proceeding must appear at the initial and final pre-trial conference. At the initial pre-trial conference, the Court will evaluate the matter and may determine that it is appropriate to set relevant dates, including trial dates, and that a final/subsequent pre-trial conference will not occur. As the Court will make this determination in its own discretion, parties are not required to treat the initial pre-trial conference as a final pre-trial conference and to comply with the Local Bankruptcy Rules in connection therewith.

4. Revised Documents:

Parties submitting amended documents, including orders, must provide the Court with sufficient information so that the Court can promptly ascertain the amendment. Parties may do so by attaching a redlined copy of the document, by generally describing the amendment in the revised document or in an accompanying document, or by other appropriate means.

5. Telephonic Appearances:

- Parties requesting telephonic attendance at a hearing should contact the Court's Courtroom Deputy at (619) 557-6018 no less than 72 business hours prior to the hearing. The Court will advise whether a telephonic appearance is appropriate as soon as reasonable. Given the Court's schedule, parties should not delay such requests.

- The Court generally does not allow telephonic appearances for parties who intend to argue.

- Telephonic hearings are not appropriate at the first and last pre-trial conference. To the extent parties wish to appear telephonically at any interim pre-trial conference, they should so request at the time of the initial or immediately preceding pre-trial conference.

- Parties who wish to monitor a hearing, to attend to procedural matters, or to argue the case where extraordinary circumstances exist may be allowed to appear telephonically. Extraordinary circumstances include an attorney's illness, advanced or problematic pregnancy, injury that impairs an ability to travel, family or other emergency, unanticipated transportation problems, or family needs such as a childcare emergency. Geographic distance of counsel from the courtroom, in and of itself, generally does not justify a telephonic argument.

- In addition, where a true emergency arises less than 72 business hours before a hearing, a party may contact the Courtroom Deputy with an emergency telephonic appearance request.

- Parties appearing telephonically must utilize a phone that is free of static and must call from a location where there is no disruptive background noise. In the event of disruptive static or background noise, the Court may terminate the telephonic appearance. In such a case, the Court may or may not otherwise terminate or continue the hearing. As a result, parties must accept this risk when appearing telephonically.

- Parties appearing telephonically must call in 15 minutes prior to the scheduled hearing time and must remain available throughout the Court's hearing calendar. Particularly in the case of a law and motion calendar where multiple matters are scheduled, the Court cannot guarantee the point in time when the telephonic hearing will occur.

- In cases where large numbers of parties wish to appear telephonically, the Court may ask that a participant provide a bridge line. In cases where multiple parties observe a hearing telephonically, the Court will not require appearance(s) except by the attorney directly connecting the conference call to the Courtroom.

6. Tentatives:

- The Court frequently posts tentative rulings. Generally, tentative rulings post on the day prior to a hearing or the morning of a hearing.

- Notwithstanding the above, the Court seldom posts tentative rulings in cases involving a self-represented party, in connection with cases on a chapter 13 confirmation or law and motion calendar, or in connection with an emergency motion.

- All tentative rulings post to the Docket. Occasionally, the Court also posts a tentative ruling to the Court's website.

- Parties should review the tentative ruling carefully. Tentatives may provide that it is the Court's tentative determination to grant a motion or deny a motion, in whole or in part. Tentatives also may state questions which should be answered at the hearing,

cite authority that should be discussed at the hearing, and/or otherwise identify areas for particular emphasis in argument.

- Tentative rulings are, as the title indicates, tentative. They reflect the Court's pre-argument determinations based on the evidence, argument, and information already before the Court. The Court invites argument from any party not satisfied with a tentative.

- UNLESS THE TENTATIVE EXPRESSLY WAIVES APPEARANCE AT THE HEARING, PARTIES MUST ATTEND THE HEARING TO BE CERTAIN THAT THE COURT WILL GRANT THE RELIEF PROVIDED FOR BY THE TENTATIVE. IN THE EVENT THAT ONE OR MORE PARTIES DO NOT ATTEND THE SCHEDULED HEARING, THE COURT MAY VACATE THE HEARING DATE AND ALLOW THE MATTER TO GO OFF CALENDAR, CONTINUE THE HEARING, OR OTHERWISE ACT IN A MANNER INCONSISTENT WITH THE TENTATIVE.